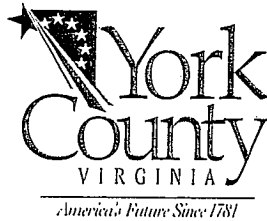


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January 25, 2010

Mr. Joseph Bell
116 Cove Drive
Seaford, VA 23696

RE: York County CBPA Exception 10-007, Proposed Addition at 116 Cove Drive

Dear Mr. Bell:

On January 15, 2010, you submitted an Application to the Chesapeake Bay Board and the \$250.00 filing fee for a proposed addition at 116 Cove Drive. Also submitted were a development plan and water quality calculations. The County Ordinance provides for administrative review of expansions to noncomplying structures which existed on September 20, 1990. The Ordinance states that "Noncomplying Use and Development Waivers" (application for the addition) for legally existing principle structures processed through an administrative review shall be subject to the findings required by subsection 23.2-13 of the County Code. In 1997 a Noncomplying Use and Development Waiver application to add 1,120 square feet onto the existing house was determined to meet the findings and was approved. It is staff's opinion that the current addition request to add an additional 1,118 square feet to the existing house does not meet the findings in the County Code or in the State Guidelines (the findings in the County Code and the State Guidelines are attached). Therefore, this project will be passed to the Chesapeake Bay Board for review.

The next York County Chesapeake Bay Board public hearing is scheduled for 6:00 p.m. on Wednesday, February 24, 2010. The hearing will be held in the East Room on the first floor of York Hall. York Hall is located at 301 Main Street, which is on the northeast corner of Main Street and Ballard Street in Yorktown's historical area.

Prior to forwarding this application to the Board, the application, lot development plan and water quality calculations must be revised to include the requirements from the approved Noncomplying Use and Development Waiver in 1997. The Development Plan dated May 22, 2009 indicates that an existing concrete pad is to be removed, concrete located along the rear of the house is to be removed, and a frame shed is to be relocated outside the 50-foot Resource Protection Area (RPA) buffer with additional concrete to be removed. These were all conditions of the approval for the addition in 1997. In addition to the removal of the concrete and shed relocation, 485 square feet of mulched landscape beds were required as mitigation. The attached Noncomplying Use and Development Waiver from 1997 has a BMP

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plan showing what impervious areas were to be removed and the location of the mulched beds that were required. Also of note is the gravel that is shown on the Development Plan dated May 22, 2009. According to County records the gravel was never approved to be located in the RPA nor has any mitigation for this additional impervious area been installed.

The existing impervious area on this lot is already over 16%. Therefore, mitigation will be required for any new impervious area added in the RPA and mitigation will be required for any new impervious added to the lot.

Should the Board approve this exception request the following will be required:

- A BMP plan will be required to mitigate for all new impervious cover in the RPA and for any impervious cover that is over 16%. The BMP plan must include all the requirements from the 1997 Noncomplying Use and Development Waiver that have not been met.
- A BMP Maintenance Agreement must be executed and recorded to insure the future efficiency of the mitigation measures.

Please submit two sets of the revised site development plan and water quality calculations by February 1, 2010 or the application will be determined to be incomplete. You must also have the corners of the addition and the deck staked and the 50-foot RPA flagged by February 10, 2010. A site visit by the Chesapeake Bay Board is tentatively scheduled for the afternoon on Wednesday, February 17, 2010. You will be mailed a Site Inspection Schedule with the time of the Board visit on February 4, 2010.

If you have any questions, please contact me at 890-3758 as soon as possible.

Sincerely,



Kent Henkel
Environmental Technician

Copy to: Joseph Brogan, CBPA Manager
Melinda Dunlap, Environmental Technician
Nancy Miller, Chesapeake Bay Local Assistance Department
Chesapeake Bay Board and File
Davis & Associates